

FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

SECOND APPEAL No.529/07.

Dayaram Madavi ..vs.. Vasantrao Khobragade.

Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order
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CORAM: C.L.PANGARKAR,J.
DATE : 6th December, 2007.

1. This appeal has been instituted by the plaintiff against the concurrent findings of facts recorded by the trial courts. It is held that the plaintiff is not the owner and not in possession of the suit property.

2. Learned counsel for the appellant states that he is in adverse possession of the property and, therefore, is owner of the property. The argument has no force. The adverse possession can be claimed against the real owner. The defendant is not the real owner according to the plaintiff and therefore there is no question of claiming adverse jpossession. It is fairly conceded by the learned counsel for the appellant that Yemunabai to whom the property belonged is not related to the plailntiff and he was merely a servant.

He submits that the property was gifted orally. The oral gift of property is not valid. The issue has already been decided by the courts below. There is no substance in the appeal. It is, therefore, dismissed in limine.

JUDGE

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